

## **ANNOUNCEMENTS AND REMINDERS FROM THE COURT.**

We will have **maintenance for ECF on Saturday, 7/13/2013, from 7:00 to 10:00 AM**. Neither ECF nor PACER will be available during that time. We apologize for the inconvenience and ask that you please plan your efilings around that outage.

### **IMPORTANT REMINDER ON INITIAL CASE DEFICIENCIES:**

Commencing 7/15/2013, we will no longer send out formal deficiency notices in cases filed as deficient under 11 U.S.C. § 521(a) or LBR. 1017-3(a). Remember that it is your responsibility to look at what your software system actually filed in ECF to confirm that all required documents really were filed; do not rely upon the software's representation of what was filed without double checking. Here are some of the bullet points Judge Tallman recently shared with attorneys on this upcoming change:

- starting July 15, 2013, when a deficient case is filed, we will no longer send out a separate notice outlining the missing documents and providing a deadline.
- it will be the responsibility of the attorneys to make certain using their 1 free look they receive in their Notice of Electronic Filing after they have filed a case to confirm that all documents were in fact included. There have been instances where software glitches have made it appear all documents were included in the initial filing, but when you actually go through the documents filed, you see that something was not included.
- deficient cases are defined in LBR 1017-3(a); any deficient case is subject to the UST's Standing Motion to Dismiss (L.B.R. 1017-3 App) and can be dismissed after **14 days of filing**. We anticipate seeing trustees filing motions requesting entry of an order if they want to get rid of deficient cases before the 341s in those cases.
- in individual 7s and 13s, cases with any uncured deficiencies under 521 on the 45th day following the initial filing will be dismissed **as a matter of law** on the **46th day**. The Court has no discretion to reconsider those dismissals.
- our meeting of creditor notices have been updated to provide notice of dismissal of deficient cases with the UST's standing

motion to dismiss and also reference to 521(i) for individual 7s and 13s.

- we will initially make Public Entry notations on the docket regarding Missing Documents, the efilers attorneys will receive a Notice of Electronic Filing to alert them to that entry of what is missing, but **that will likely stop in a few months due to resources**. So, they should use their 1 free look and careful eyes to monitor what they have filed and not rely on us to tell them.
- *Background information on Notices of Electronic Filing: all efilers attorneys receive either an **immediate** separate Notice of Electronic Filing after each document is filed OR MOST receive a **summary** the following day indicating **all** documents filed or public docket entries made in all of their cases (by them or anyone). When you receive that Notice of Electronic Filing and click on the hyperlink to the document, you have 1 free look at that document (if you try to look a second time, there will be a PACER charge). The organized attorneys actually save and create an electronic file using all of the one free looks to create their file. Our Public Entries of missing documents will **not** have a corresponding document attached, just the entry and efilers will be able to see the docket entry in their Notice of Electronic Filing.*
- We will continue to issue deficiencies for Missing Credit Counseling Certificates **if we catch them**. The issue of stale credit counseling certificates will be sent to Chambers.

## **FEE PAYMENT AND PAYMENTS IN INSTALLMENTS-COMMON MISSTEPS**

- When the attorney files a Motion to Pay Fees in Installments, and they list that **a payment will be made at the time of filing**, then a payment **should be made then**. If they have not yet collected that fee from their client, then change the Motion to reflect when the first installment will be made.
- It is up to the attorney to collect and pay fee installments on time. They should **not rely** on the Notice for Impending Dismissal to use as a tickle

for fees due. This causes work for the Finance Department to issue the Notice and then to track when the payment is made. ***It is very likely that due to staff reductions, we will stop sending these types of notices and will just dismiss the cases for non-payment, so stop your reliance on these notices soon!!***

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- Attorneys should make a habit of paying Internet fees due by the end of the same business day that a document is filed. Some attorneys are taking advantage of the fact that they will not be locked out of ECF until the third business day at 5:10 PM. Some attorneys respond right away when they get locked out, although some stayed locked out for a number of consecutive days. This causes extra work for the Finance Department to monitor payment receipts, and it causes Trustee payments to be made late when the full filing fee has not been made. ***Again, due to staff shortages, we may resort to the canned version of ECF that will lock a non-paying attorney out of the ECF system after 1 day, not 3, so it is best to get in the habit of paying daily.***

#### **Staff Reductions and Court's Hours of Operation:**

- Starting July 15, 2013 The Bankruptcy Clerk's Office is open Monday through Friday from **8:00 am to 11:30 am** and **12:30 pm to 5:00 pm**, except for federal holidays. The Intake and Public Information Departments will be closing from 11:30 to 12:30 daily due to staff shortages. Additional information regarding the Court's operation hours are located on our website <http://www.cob.uscourts.gov>.
- Due to budget cuts and lower case filings, we have had to offer buy outs, early retirements, etc., as an incentive for staff to voluntarily leave and we have encouraged those on teams that will have cuts to apply elsewhere. Since December 31, 2012 through July 26, 2013, we will have lost 19% of our staff. Fortunately, due to automated systems and ECF, we can absorb these loses and fulfill our core mission. Unfortunately, this means that we will not have staff to do a lot of the "nice stuff" that the court used to do through deficiency notices and reminders. More than ever, we need you to do your jobs as attorneys wearing both belts and suspenders to monitor your filings, fee payments and due dates.
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Two of our staff leaving on June 26th are people with whom many of you have had the opportunity to work over the years. Cheryl Iten, Finance Specialist, and Donna Riegner, Pro Se Liaison, both will be starting new chapters on July 26th. We, like you, will miss their contributions, knowledge and helpfulness greatly!

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## REMINDER:

**Renewal Fee for United States District Court (admission in the District Court allows your to practice in Bankruptcy Court pursuant to Fed.R.Bankr.P. 9010(a)(1); LBR 9010-1(a) and D.C.Colo.LCivR 83.3). [Renewal Application Packet will be available starting 7/15/13](#); fee and registration are due 8/15/13.**

As many of you know, a number of federal District Courts have *annual* renewal fees. The United States District Court for the District of Colorado, is implementing a one time renewal fee to help create funds to cover the District Court's Civil Pro Bono Pilot Project. ***Also, you need to wait until 7/15/13 to access the renewal portal.***

- One-Time Renewal fee, excluding members of the Bar admitted after December 31, 2012 and members of the Bar employed by a federal government agency.
- Regarding the mandatory 2013 One-Time Renewal Fee of \$50, the Attorney Services Portal is the Renewal Application Packet described in the District Court's Civil Pro Bono Pilot Project. Read more about the project at <http://www.cod.uscourts.gov/Home.aspx>. Current members of the Bar are required, **commencing July 15, 2013, to create their Attorney Services Portal Account** to update their contact information and **pay the \$50.00 fee through Pay.gov.**
- Beginning June 21, 2013, all applications for admission to the Court's Bar must be submitted by completion of an electronic form, through the Court's Attorney Services Portal on the District Court website, under the Attorney Information menu bar. Registration for the Court's Case Management/Electronic Case Filing System (CM/ECF) can be completed simultaneously, allowing for speedy access to the Court's filing system for new and existing attorneys.
- Access to the Portal is at <https://www.cod.uscourts.gov/CMECF/Register/Login.aspx> and requires creation of an individual online account for all attorneys. Payment may be made online from a bank account or by credit/debit card through Pay.gov.
- You may also submit an online application through the Attorney Services Portal, by visiting the Clerk's Office in the Alfred A. Arraj Courthouse Annex, 901 19th St., Denver Colorado, 80294. Please note that the current \$186.00 admission fee will increase to \$211.00 effective July 15, 2013, concurrent with the **imposition of the \$50.00** renewal fee to fund the project.
- The failure to timely renew your application eventually will result in the District Court placing you "not in good standing" **and will prevent your practice there or here.**
- If you have any questions, please contact the District Court 303-335-2060

